



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D. C. 20536



FILE: [REDACTED] Office: Los Angeles

Date: AUG 22 2000

IN RE: Obligor: [REDACTED]
Bonded Alien: [REDACTED]

IMMIGRATION BOND: Bond Conditioned for Voluntary Departure under § 240B of the
Immigration and Nationality Act, 8 U.S.C. 1229c

IN BEHALF OF OBLIGOR: Self-represented

Public Copy
This date decided to
clearly unwarranted
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

[Signature]
Terrance M. O'Reilly, Director
Administrative Appeals Office

DISCUSSION: The voluntary departure bond in this matter was declared breached by the District Director, Los Angeles, California, and is now before the Associate Commissioner for Examinations on appeal. The appeal has been filed by an attorney who appears to represent the bonded alien. The bonded alien and the alien's attorney are without standing in this proceeding. See Matter of Insurance Company of North America, 17 I&N Dec. 251 (Act. Reg. Comm. 1978). However, in the interest of due process, the case will be considered on certification pursuant to 8 C.F.R. 103.4. The district director's decision will be affirmed.

The record indicates that on October 15, 1998 the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. An Order of the Immigration Judge dated October 8, 1998 was issued granting the alien voluntary departure in lieu of removal on or before December 7, 1998. The alien has failed to depart.

On certification, it is alleged that the bonded alien did not depart because she would have abandoned her right to file a motion to reopen as well as a motion to reconsider. It is alleged that, after a decision is rendered on the case pending before the Board of Immigration Appeals, she will depart voluntarily if the decision is adverse.

8 C.F.R. 240.26(c)(3) provides that, in order for the voluntary departure bond to be cancelled, the alien must provide proof of departure to the district director.

8 C.F.R. 240.26(b)(1)(D) provides, in part, that an alien may be granted voluntary departure by an immigration judge only if the alien waives appeal of all issues.

Voluntary departure bonds are violated if the obligor/alien fails to provide proof that the bonded alien has departed the United States within the time specified.

The record reflects that the alien was granted voluntary departure from the United States on or before December 7, 1998. A request to remain beyond that date for the purposes of a pending appeal is without merit.

8 C.F.R. 240.26(f) provides, in part, that authority to extend the time within which to depart voluntarily specified initially by an immigration judge or the Board is within the sole jurisdiction of the district director. The record fails to show that the applicant has received an extension of time by the district director.

Voluntary departure bonds are exacted to insure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for the Service to function in an orderly manner. After a careful review of the record, it is concluded that the alien failed to depart by the stipulated time, the conditions of the bond have been substantially violated, and the collateral has been forfeited. The decision of the district director will not be disturbed.

ORDER: The district director's decision declaring the
bond breached is affirmed.